

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JULIE VELASQUEZ, Individually and as Parent
and Next Friend of DYLAN D. MONTANO, RAYLENE
D. MARTINEZ, and ALBERTO E. MARTINEZ,

Plaintiffs,

vs.

Civ. No. 06-353 BRB/RHS

HELEN FOUTZ,

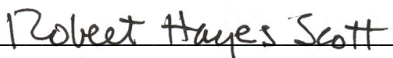
Defendant.

AMENDED REPORT AND RECOMMENDATION

COMES NOW Robert Hayes Scott, United States Magistrate Judge, and hereby submits to the Honorable Bobby R. Baldock the following Amended Report and Recommendation relative to the settlement of the above-captioned cause. This Amended Report only addresses a clarification of the language in Paragraph 9. The undersigned recommends the following language for Paragraph 9 in substitution of the original proposed language recommendation:

In approving the settlement the undersigned recommends that the net proceeds be distributed equally to each minor child and deposited into a separate account for each child. The signatories on each account shall be the mother, Julie Velasquez, and the maternal grandfather, Randy Dickeson. Each account shall be established in a manner that requires the signature of both of these individuals before any withdrawal of proceeds may be accomplished. There shall be no withdrawal of any funds or accrued interest thereon from any of the accounts established for the minor children until such time as each child shall reach the age of majority, that

being 18 years. It is the intent of the parties that as each child reaches the age of majority, Julie Velasquez and Randy Dickeson may, at the child's request, withdraw any or all of the proceeds in that child's separate account and distribute the same to the child as he or she may direct. It is further recommended that the sum of \$17,900.00 of the settlement proceeds be held in trust by counsel for the Plaintiffs and used for unpaid medical bills. After the payment of medical bills in full by counsel for Plaintiffs, any residual balance from this \$17,900.00 shall be divided equally and deposited into the accounts established for each minor child.



ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE